

Town of Fairfield • Registrar of Voters Office
611 Old Post Road, Fairfield, Connecticut 06824

Testimony of Matthew Waggoner, Registrar
(203) 256-3115 | mwaggoner@town.fairfield.ct.us

Dear Chairmen Jutila and Cassano, Ranking Members Smith and McLaughlin, and members of the Government Administration and Elections committee,

My name is Matt Waggoner, Registrar of Voters from Fairfield, and I would like to speak in opposition to SB 1051.

I normally bring statistics-packed presentations to GAE, but today I'd like to tell you about a panel I attended last week, where federal Election Assistance Commissioner Matthew Masterson said that election administrators are rapidly becoming IT managers.

I listened as my peers nodded and told the Commissioner of software cryptography experts they'd recently hired, and realized that we live in a very different world here in Connecticut. Here, our Registrars will somehow have to develop this new talent on top of our other responsibilities:

- We are human resources managers, recruiting and hiring dozens of employees for each election;
- We are purchasing and financial managers, with the same budget and reporting duties as any agency;
- We are educators, constantly improving how we train our pollworkers and sharing best practices within the election community;
- We are communications professionals, getting our voters accurate information in a media environment filled with noise and misinformation;
- We are data entry clerks, handling information from dozens of sources with short turnaround times;
- We are specialized legal experts, requiring a working knowledge of hundreds of pages of state and federal election law and regulation;
- We are emergency planners, deploying resources to ensure that elections will continue in a crisis;
- We are customer service representatives, responding to thousands of constituents in our offices and in the field;
- We are policymakers, deciding how to best serve our voters within the constraints of funding and statute; and
- We are public figures, who take the heat when a line is long or a pollworker makes a mistake.

It should be obvious that nobody could master every job on this list, and indeed, most election offices in the United States have separate staff to do each of these tasks. In most Connecticut towns, these duties are carried out by Registrars who officially work for a few hours a week: as one of Connecticut's 10 largest towns, Fairfield is fortunate enough to have a single employee.

I do support professionalizing our system, but that requires two things – staff and training – and the proposal before you unfortunately offers neither. Further, the proposal does not advance accountability in a tangible way, and it would place Connecticut well outside the mainstream for American election administration systems.

TRAINING

Connecticut Registrars are required to receive ten hours of training each year, with approximately four hours being provided by staff in the Secretary of the State's office and two by other state agencies. This training is oriented towards legal education, covering new policies such as Election Day Registration, reviewing topics such as records retention or ballot access, or updating us on recent decisions by Elections Enforcement. These classes commonly repeat from year to year.

To meet the minimum requirements, Registrars either teach ourselves or recruit speakers from other states or professions for another 15 hours each year. It is only in these self-organized trainings that we cover the vast array of topics beyond statutory expertise. Some Registrars seek out professional training elsewhere, at our own expense, as there are no other resources available in Connecticut.

However, there should be: a certification program was proposed by Registrars under the tenure of then-Secretary (now Common Cause president) Miles Rapoport, and approved as CGS 9-192a in 1998. No certification program has never been approved or implemented by the Secretary of the State. The amount and quality of training could also be improved by implementing the Election Training Unit within the Secretary's office, which has remained vacant and unfunded since passed into law as CGS 9-4b in 2005.

I support implementing these programs, and have submitted testimony to the Appropriations committee in support of increasing the Secretary's budget accordingly. (See attachment.) If you want Registrars to be better trained, we need you to commit to offering better training. SB 1051 makes no such commitment.

STAFFING

My most serious concern about this bill – which is being advertised as a cost-saving measure – is that it will essentially drain staff from the limited personnel currently available in our towns.

While localities across the country spend an average of 1% of their budgets on elections, Connecticut towns commonly spend less than 1/10th of that amount. Eliminating one person per office will have a serious negative impact on the expertise available and services offered to the public, resulting in fewer office hours, less field work, and, by losing the potentially complimentary talents of a second Registrar, increased errors.

ACCOUNTABILITY

Registrars, as public officials, remain accountable to our voters primarily through public opinion: voters experience our efforts firsthand, and we are subject to primary if others feel they could do a better job. We also remain accountable through a formal system as conducted by the State Election Enforcement Commission.

Reviewing the proceedings of the SEEC from 2011 to 2014 does not give the impression of an election system out of control: of the seven complaints brought by the Secretary of the State, two were against Registrars, three were against Town Clerks, and two were against pollworkers (see attached.) If there is a serious problem, I would hope that we would see the existing enforcement mechanism used before resorting to a systemic upheaval.

Further, the proposed appointment method is not in common use: of 59 election systems used in American county or municipal elections, 82% are partisan, and 86% are either elected or named directly by political party organizations (see attached). Of the 8 states where elected bodies choose election officials, only one (Maine) appoints a single administrator with no party-balanced peer. Every other state views local election administration through the lens of partisan checks and balances or as an official to be elected – and answerable – to the voters.

By adopting an appointment system without direct accountability to voters or multi-partisan checks and balances, the election office would be at risk of becoming an instrument of the current political powers in each community. For example, as a Registrar, I advised our local legislative body that a redistricting plan proposed in 2013 would be illegal under current statute and charter requirements: such comments – or a changing political tide – could result in an official being dismissed, and a new Registrar beginning the job as a blank slate. Perceived conflicts of interest would be inevitable, compromising trust in the fairness of the election process.

CONCLUSION

The truth is that towns have not made quality elections a priority: for example, my town spends eight times more on maintaining golf courses than we do on running elections. I'm proud of what we can accomplish for our voters, even as I recognize that more is possible.

Having had an opportunity to speak with Secretary Merrill about her long-term vision for elections in the state – to adopt state-hired, civil service-protected, regionally-based election administrators – I believe that our shared goals could be achieved under such a system.

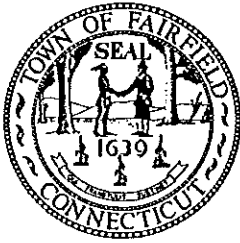
If we had to sacrifice locally-elected Registrars to achieve a staffing level where every facet of elections would be run by an expert in their field, and where residents in every community had access to a full-time, full-service election office, then I personally believe it would be worth making a change.

However, the plan before you today does not move us towards any of these things: it cuts the elections safety net by eliminating half of the people who achieve the improbable in our communities every day, and offers nothing in return.

If the state wants to make elections the priority that all of us here believe it should be, let's make that commitment together and plan for what it should be. Do that, and you will have a lot of Registrars willing to join you at that table.

Thank you for your time and consideration.

TESTIMONY SUBMITTED 3/4/2015 TO APPROPRIATIONS COMMITTEE
IN SUPPORT OF INCREASING THE SECRETARY OF THE STATE'S BUDGET



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Dear Senator Bye, Representative Walker, and Members of the Appropriations Committee,

Thank you for the opportunity to submit written testimony concerning the proposed budget from the Secretary of the State's Office, specifically the budget for the Legislation and Elections Administration Division (LEAD).

As you are aware, the recommended budget reflects a cut to this division relative to FY 2014 actuals, current year estimates, and reduces the requested amounts by over \$250,000 in FY 2016 and \$300,000 in FY 2017.

These cuts come at a time that the legislature is considering proposals to change the structure of election administration in Connecticut, so I wanted to share a local perspective on the support provided by this division, and ask you to consider reversing the proposed cuts to prevent potentially serious damage to the already limited election safety net that LEAD provides.

Registrars of Voters depend on the LEAD staff for many of our duties: providing legal advice, receiving and disseminating voter registration cards and state agency data, preparing forms, providing access (both development and support) to online software tools, offering training, and providing memos and newsletters that turn the laws passed here at the Capitol into a functioning, on-the-ground implementation.

The truth is that this vital support system is currently strained to the breaking point:

- The state voter registration system is currently down or inaccessible for hours each day in towns all across the state, disrupting work at the local level during the annual list-maintenance period; this system suffers routine outages leading up to each election, with a prolonged statewide outage the day before the 2014 election.
- Planned system upgrades (such as the Election Night Reporting system) have been pending for years.
- Voter applications received by LEAD before the pre-election deadline routinely arrive in town offices after final voting lists are printed, and occasionally following the election, disenfranchising new voters.
- Forms required by statute are years late in being developed, leading to confusion and non-standard implementation of policies like voter removal programs.
- The elections training unit, which has required dedicated training personnel under Sec. 9-4b since 2005, nonetheless remains unstaffed. This results in other division staff repeatedly teaching previously-developed courses, diverting them from other duties, while classes taught by volunteer Registrars are required to meet the minimum required training hours for local election officials. This limits professional development, and created a situation where the only training offered to newly-elected Registrars overseeing the recent special elections was provided by the Registrars Association, not from the Secretary of the State.

TESTIMONY SUBMITTED 3/4/2015 TO APPROPRIATIONS COMMITTEE
IN SUPPORT OF INCREASING THE SECRETARY OF THE STATE'S BUDGET

- A Registrar certification program has been required by statute since 1998 (Sec. 9-192a), but is not being offered due to a lack of funds, and the Secretary has not yet approved a curriculum for this program.
- Powers granted to the Secretary's office in the 2011 election reform package, such as the ability to oversee polling places and replace ineffective pollworkers, have never been implemented systematically for lack of resources.
- We have experienced a dramatic reduction or elimination of publications (such as voter guides, newsletters, and statewide memos) in recent years.

The election community – from the LEAD staff to local Registrars and our thousands of pollworkers – do everything in our power to adapt and compensate for the flaws in our system, both structural problems and surprise issues that arise at election time. I am, despite the criticism that is often directed at us, proud of the job that we are able to do for our voters.

Speaking personally, I spend dozens of hours each week beyond my office hours providing support to Registrars in other communities, answering questions, developing desktop and web-based software tools to enable Registrars to perform statutory duties that have never been provided for at the state level, using self-purchased GIS software to provide redistricting services not offered by the state, and obtaining the professional training that I feel is necessary by attending conferences and classes out of state at my own expense. (I'm unable to attend today's hearing in person, for example, due to my participation at an election technology conference this week.) I'm not alone in this – many of us commit countless volunteer hours and dollars to the proper functioning of elections across the state.

However, as members of the Appropriations committee, you are all familiar with the phrase "do less with more," and you certainly know the limits of that philosophy. My testimony is not a criticism, but an alert to you that despite the efforts of some very talented people at LEAD and a lot of volunteer hours at the local level, the resources currently available to manage elections are insufficient to provide the consistent and reliable experience that many people expect. Reducing the state resources dedicated to elections by seven to nine percent – while potentially implementing a dramatic reduction in personnel at the local level – will have a significant negative impact on the reliability of our elections in the years to come.

Secretary Merrill speaks eloquently about a future of properly-staffed, regionally-run, civil-service election administration, and I share her belief that this vision could deliver improved services to Connecticut voters. At the same time, current funds are not enough to provide the technology, infrastructure, training, or raw labor hours needed to perform the duties already required by law.

I would respectfully ask the committee to recommend a budget which does not make further cuts to the Connecticut election safety net, and, looking forward, if you feel that we do need to improve the level of election services offered in Connecticut, that you appropriate funds sufficient to meet the basic training and infrastructure requirements that are currently established in statute.

Thank you for your consideration: I would be glad to answer any questions you may have by email or phone.

SUMMARY OF STATE ELECTION LAWS ON LOCAL ELECTION ADMINISTRATION STRUCTURE

State	Jurisdiction	Election Administrator	#	Partisan	Elected / Appointed By	Reference
AL	County	Appointing Board	3 (Probate Judge, Circuit Clerk, Sheriff)	Yes (no minority rep)	Elected	http://ali.state.al.us/hb100com.pdf
AL	Town	Mayor or Board consisting of Mayor / Council President / City Attorney	1 or 3	Differs per-city	Elected (or 2 elected, 1 appointed)	http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm (chapter 46)
AK	State				Appointed by Lt. Governor	http://codes.lp.findlaw.com/akstatutes/15/15.10/01.15.10.105
AZ	County	Election Director	1	No	Elected	http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/16/00131.htm&Title=16&DocType=ARS
AR	County	Recorder	1	Yes	Elected	
AR	County	Board of Election Commissioners	3		Chairs of major and minor party; 3rd member appointed by major party chair	http://law.justia.com/codes/arkansas/2010/title-7/chapter-4/subchapter-1/7-4-102/
CA	County	Clerk, Registrar, Recorder, or Election Commission (varies by county, no state definition)	Varies	Yes	Primarily Elected, Counties may specify appointment process via referendum	http://www.sos.ca.gov/elections/voting-resources/new-voters/county-elections-offices/
CO	County	Clerk-Recorder	1	No	Elected	http://www.sos.state.co.us/pubs/elections/LawsRules/files/Title1.pdf
CT	Town	Registrars	2	Yes	Elected	
DE	County	Board of Elections	4-10	Yes (evenly divided between parties)	Appointed by Governor from list provided by state party chairs	http://delcode.delaware.gov/title15/c002/index.shtml
FL	County	Supervisor of Elections	1	Yes	Elected	http://doe.dos.state.fl.us/publications/pdf/2014/2014_elction-laws.pdf
GA	County	Board of Elections	By local act; minimum of 3	Yes	Generally appointed by party organizations; may appoint tie-breaking nonpartisan member	http://web.lexisnexis.com/research/xlink?app=00073&view=full&interface=1&docinfo=off&searchtype=get&search=O.C.G.A.+%A7+21-2-40
GA	County	Superintendent (Judge of Probate)	1 (or board of 2)	Yes	Elected; when on ballot, party organizations appoint members to fulfill duties	http://law.justia.com/codes/georgia/2010/title-21/chapter-2/article-2/part-3/21-2-74/
HI	State	Election Commission	9	Yes (4 from each party, elect 9th members)	Appointed by legislative leadership	http://www.capitol.hawaii.gov/hrscurrent/Vol01-Ch0001-0042F/HRS0011/HRS_0011-0007.htm
ID	County	Clerk	1	Yes	Elected	http://legislature.idaho.gov/idstat/Title34/T34CH2SECT34-208.htm
IL	County or City	Board of Election Commissioners	3	Yes (No more than 1 per party)	Appointed by County Commission	http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=01000050HARt%2E+6&ActID=170&ChapterID=3&SeqStart=215000000&SeqEnd=308000000
IL	County	Clerk	1	Yes	Elected	http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=01000050HARt%2E+5&ActID=170&ChapterID=3&SeqStart=163000000&SeqEnd=215000000
IN	County	Election Board	3	Yes	Elected clerk; 1 appointment from each party chair	http://www.in.gov/legislative/ic/2010/title3/ar6/ch5.pdf
IA	County	County Auditor	1	Yes	Elected	http://www.iowaauditors.org/elections/aud_role.html
KS	County	Clerk	1	Yes	Elected	http://www.kssos.org/elections/elections_registration_ce_o.asp?
KY	County	Lard of Elections	4	Yes	Elected clerk / sheriff, 1 appointment by each major party	http://elect.ky.gov/countyboardmembers/Pages/default.aspx
LA	County	Registrar of Voters	1	Yes	Appointed by county governing board, opposite party deputy	http://legis.la.gov/Legis/Law.aspx?d=81615
ME	Town	Town / City Clerk	1	No	Appointed by town officers (procedure varies)	http://www.mainelegislature.org/legis/statutes/21-A/title21-Asec505.html

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State	Jurisdiction	Election Administrator	#	Partisan	Elected / Appointed By	Reference
MD	County	Board of Elections	3-5	Yes	Appointed by governor from list provided by county party organizations	http://web.lexisnexis.com/research/xlink?app=00075&view=full&interface=1&docinfo=off&searchtype=get&search=Md.+Election+Law+Code+Ann.+%A7+2-201
MA	Towns	Board of Registrars	4	Yes (evenly divided between parties)	Selectmen choose 3 from Town Committee provided list; Clerk automatically on board	https://malegislature.gov/Laws/GeneralLaws/Part/TitleVI/Chapter51/Section15
MA	Cities	Board of Election Commissioners	4	Yes (evenly divided between parties)	Appointed by Mayor	https://malegislature.gov/Laws/GeneralLaws/Part/TitleVI/Chapter51/Section16A
MI	County	Board of County Election Commissioners	3	Clerk/Treasurer partisan, probate judge nonpartisan	Elected	http://www.michigan.gov/sos/0,4670,7-127-1633_8716-27476--00.html
MI	Towns	Town / City Clerk	1	Yes	Elected	http://www.michigan.gov/sos/0,4670,7-127-1633_8716-27476--00.html
MIN	County	Auditor	1	No	Elected	http://www.sos.state.mn.us/Modules/ShowDocument.aspx?documentid=5064
MIN	Towns	Clerk	1	No	Elected	http://www.sos.state.mn.us/Modules/ShowDocument.aspx?documentid=9247
MS	County	Election Commission	5	Yes	Elected	https://www.sos.ms.gov/links/elections/home/tab5/ElectionCodeRev020209.pdf
MO	Large Counties	Election Commission	4	Yes (evenly divided between parties)	Appointed by Governor from lists provided by state parties	http://www.moga.mo.gov/mostatutes/stathtml/11500000271.html
MO	Small Counties	County Clerk	1	Yes	Elected	http://www.moga.mo.gov/mostatutes/stathtml/11500000151.html
MT	County	Clerk	1	Yes	Elected	http://leg.mt.gov/bills/mca/13/1/13-1-301.htm
NE	County (78 counties)	Clerk	1	Yes	Elected	http://nebraskalegislature.gov/laws/statutes.php?statute=32-218
NE	15 defined counties	Commissioner	1	Yes	Appointed by Governor in large counties, county commission in small counties; chief deputy of opposite party	http://nebraskalegislature.gov/laws/statutes.php?statute=32-219
NV	County	Clerk	1	Yes	Elected	http://www.leg.state.nv.us/NRS/NRS-246.html
NH	Town	Clerk / Supervisors of the Checklist	4	No	Elected	http://www.gencourt.state.nh.us/rsa/html/LXIII/652/652-14-a.htm
NJ	County	Board of Elections	4	Yes (evenly divided between parties)	Appointed by political parties (1 each from state/county in each party)	http://law.justia.com/codes/new-jersey/2009/title-19/19-6/19-6-17
NM	County	Clerk	1	Yes	Elected	http://www.sos.state.nm.us/Legislation_And_Resources/NMElectionHandbook_2011.pdf
NY	County	Board of Elections	2	Yes (evenly divided between parties)	Appointed by political party	http://codes.lp.findlaw.com/nycode/ELN/3/2/3-200
NC	County	Board of Elections	3	Yes	Appointed by State Board of Elections from lists provided by major parties	http://codes.lp.findlaw.com/nycode/ELN/3/2/3-200
ND	County	Auditor	1	No	Elected	http://www.legis.nd.gov/cencode/t16-1c01.pdf?20150308002951
OH	County	Board of Elections	4	Yes (evenly divided between parties)	Appointed by Secretary of State	http://codes.ohio.gov/orc/3501.06
OK	County	Board of Elections	4	Yes (evenly divided between parties)	Appointed by political parties	http://webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os26.rtf

SUMMARY OF STATE ELECTION LAWS ON LOCAL ELECTION ADMINISTRATION STRUCTURE

State	Jurisdiction	Election Administrator	#	Partisan	Elected / Appointed By	Reference
OR	County	Clerk	1	No	Elected	https://www.oregonlegislature.gov/bills/ors/ors246.html
PA	County	Election Commission	3	Yes	Elected (consists of existing city or county commission members, adding representatives appointed by minority party if elected commission members are from a single party)	http://www.legis.state.pa.us/cfdocs/legis/lj/consCheck.cfm?txtType=HTM&ttl=25&div=0&chpt=12&scn=3&subctn=0&mobile_choice=suppress
RI	Municipal	Board of Canvassers	3	Yes (max 2 per party)	Appointed by local legislative body from list provided by political party committee	http://webserver.rilin.state.ri.us/Statutes/TITLE17/17-8/17-8-1.HTM
SC	County	Board of Voter Registration and Elections	5-9	Yes (min. 1 from minority party)	Appointed by Governor	http://www.scstatehouse.gov/code/t07c005.php
SD	County	Auditor	1	Yes	Elected	http://legis.sd.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=12-4-2
TN	County	Election Commission	5	Yes (3 majority, 2 minority)	Appointed by State Election Commission; each caucus appoints county members of same party	http://law.justia.com/codes/tennessee/2010/title-2/chapter-12/part-1/2-12-101/
TX	County	Election Commission	5	Yes	3 elected, plus county party chairs	
UT	County	Clerk	1	Yes	Elected	http://le.utah.gov/UtahCode/section.jsp?code=20A-5
VT	Town	Board of Civil Authority	9-23	No	Elected (Clerk, Selectboard, and Justices of the Peace)	
VA	County / City	Electoral Board	3	Yes (2 from Governor's party, 1 from minority party)	Appointed by vote of local circuit judges from list provided by political parties	https://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+24.2-106
WA	County	Auditor	1	Yes	Elected	http://apps.leg.wa.gov/rcw/default.aspx?cite=29A.04.216
WV	County	Ballot Commissioners	3	Yes	Clerk appointed by County Commission; 1 board member each appointed by each major party	http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=03&art=1&section=19
WI	County	Clerk	1	Yes	Elected	https://docs.legis.wisconsin.gov/statutes/statutes/7
WI	Municipal	Clerk	1	No	Elected	https://docs.legis.wisconsin.gov/statutes/statutes/7
WY	County	Clerk	1	Yes	Elected	http://legisweb.state.wy.us/statutes/statutes.aspx?file=title/TITLE22/T22CH8.htm

SUMMARY OF DOCKETED COMPLAINTS BY THE SECRETARY OF THE STATE
AT THE STATE ELECTIONS ENFORCEMENT COMMISSION: 2011 to 2014

SEEC File No.	Complaint Raised Against	Outcome
2011-035	Town Clerk	Fine
2011-120	Registrar of Voters	"Strictly Comply" order
2012-008	Registrar of Voters	"Strictly Comply" order
2012-166	Town Clerk	Fine (suspended)
2012-167	Town Clerk	Fine (suspended)
2012-187	Head Moderator	Fine (suspended), unable to work at the polls for three years
2014-021	Head Moderator	"Strictly Comply" order

